

United States District Court
Eastern District of California

Karen C. Marie Pete,
Petitioner,

No. Civ. S 02-2713 MCE PAN P

vs.

Order

Gloria Henry,
Respondent.

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July 16, 2004, the court abeyed this proceeding pending the
California Supreme Court's ruling on unexhausted claims.

December 14, 2005, petitioner filed an amended petition,
which the court construes as a motion for leave to file an
amended petition and proposed amended petition. The document
lacks the proof of service required by Fed. R. Civ. P. 5 and
Local Rule 5-135. Petitioner shall serve the document on
respondent via counsel and, within 10 days, file a proof of
service. Otherwise the court will consider striking it.

1 Respondent shall respond to petitioner's motion for leave to
2 amend the petition within 20 days after it is served upon them.

3 So ordered.

4 Dated: December 15, 2005.

5 /s/ Peter A. Nowinski

6 PETER A. NOWINSKI

7 Magistrate Judge
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